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Via ECF

March 21, 2024

Honorable Rukhsanah L. Singh, U.S. Magistrate Judge
United States District Court- District of NJ
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 7W
Trenton, NJ 08608

Re: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation - MDL 2738*

Dear Magistrate Judge Singh:

Pursuant to the Court's request for bi-monthly reports, the parties jointly offer the following update on recent activities in the MDL:

Expert Depositions:

- The parties have come to an agreement on the coordination of depositions of general experts produced in the MDL and the New Jersey state court MCL, specifically the *Carl* and *Balderrama* matters in the MCL to the end that where the same report is served in these state and federal court cases, the expert will be deposed only once.
- The depositions of the plaintiffs' experts, Drs. Longo, Wolf, and Newman have been rescheduled by consent to accommodate scheduling conflicts of both the parties and experts. Dates for Dr. Longo are expected to be finalized shortly. Dr. Wolf will be deposed on April 25th, and Dr. Newman will be deposed on May 15th.

Plaintiff's Motion to Quash the Subpoena Directed at KCIC, Inc.:

- On March 12th Special Master Schneider denied plaintiffs' request for an in-camera relevancy review of KCIC documents responsive to Johnson & Johnson's subpoena. Plaintiffs were ordered to promptly produce all non-privileged KCIC documents responsive to defendants' subpoena and, by March 15th, produce all evidence to support a claim of privilege of certain KCIC documents. Defendants submitted their response on March 20th.
- Plaintiffs produced all non-privileged KCIC documents responsive to Defendants'

subpoena and filed a supplemental brief on March 15th, addressing their claims of privilege regarding certain documents requested in the subpoena to KCIC.

- Plaintiffs also filed a motion to seal their privilege log on March 15th. Defendants will oppose that motion.

Defendants' Motion to Quash the Subpoena to PwC

- Defendants filed a motion to quash the subpoena directed to Price Waterhouse Coopers (PwC) on February 29th. The PSC filed opposition on March 18th. Defendants have requested oral argument on the motion and seek leave to file a short reply brief.

Case Management Order 9:

- On March 6th defendants filed their global response to the nearly thousand CMO 9 notices filed by plaintiffs. The PSC filed a letter on March 12th requesting an additional 10 days to file a more complete reply to defendants' response. Your Honor granted the PSC's request on March 13th and the reply from the PSC is now due on March 23rd.

Bellwether Discovery Responses:

- Defendants served Requests for Admissions, Requests for Production, and Interrogatories on the six bellwether plaintiffs on January 26th. Plaintiffs served responses. All six plaintiffs largely objected to the Requests for Admissions, claiming the information has been previously provided in depositions and the Plaintiff Profile Form.
- It is defendants' position that the Requests for Admissions must be answered in order to provide up-to-date information and to establish the existence, or lack thereof, of material facts. Plaintiffs submit that the information requested in the discovery requests have been previously sought and provided in depositions and Plaintiff Profile Forms. The trial pool plaintiffs are in receipt of Defendants' letters and will respond and confer with Defendants in an effort to resolve any issues.

Status of New Jersey Proceedings Before Judge Porto:

- The parties have narrowed the original bellwether pool of 63 cases down to 15 cases through party selections and random selections.
- The Hearing on the Motion for Disqualification will be held on March 25, 2024

Thank you for your attention to these matters.

Respectfully,

/s/ Susan M. Sharko

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